

REMARKS

Claims 86-107 are pending in this application.

The Examiner is thanked for the courtesy extended in the Telephonic Interview with the undersigned on September 9, 2008. The Examiner indicated the claims would be found allowable upon entry of the amendments to claims 91-97 and 101 as listed below and filing of a Terminal Disclaimer over U.S. Patent No. 6,656,467. As such, claims 91-97 and 101 have been amended herein, as suggested by the Examiner. Claims 86 and 87 have also been amended and new claims 108-111 have been added herein. No new matter has been added by way of this amendment.

Support for the amendments to claims 86 and 87 can be found in the originally filed specification, *e.g.*, at page 8, line 17 to page 9, line 2.

Claims 91-93 have been amended to delete the phrase “as described in Example 2,” as suggested by the Examiner. Applicants respectfully submit that the phrase “microneutralization assay” in claims 91-93 (and new claims 110 and 111) refers to a microneutralization assay lacking complement, such as the microneutralization assay described in Example 2 of the specification.

Claims 94-96 were amended to depend from claims 91-93 (instead of 90-92), respectively. Claim 97 was amended to depend from claim 86 or 87 (instead of 87 or 88). The Examiner is thanked for these suggestions.

Claim 101 was amended to convert the recitation of the Figure Nos. into the corresponding SEQ ID NOS, as suggested by the Examiner. As indicated in the Brief Description of the Drawings, the non-underlined residues in Figures 1, 3, 4, 5, 6 and 7 form the framework regions of the variable regions of each chain (see, *e.g.*, page 8, lines 17-20).

New claims 108, 109 and 111 parallel the recitations in claims 104-107 but instead depend on claims 90, 92 and 110, respectively. New claim 110 parallels the recitation in claims 91-93 but instead depends on claim 90.

Following entry of this amendment, claims 86-111 will be pending in this application. Applicants respectfully requested reconsideration of pending claims 86-111.

I. Obviousness-Type Double Patenting

Claims 49-55, 74, 75, 79 and 85 are rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claim 16 of U.S. Patent No. 6,656,467 ("the '467 patent") (Office Action dated December 14, 2007, pages 7-8). Claims 49-55, 74, 75, 79 and 85 were cancelled in the Response dated June 14, 2008, thus rendering this rejection moot.

Applicants submit that pending claims 86-111 are not obvious over any of the claims of the '467 patent. However, solely in an effort to advance prosecution of this application, a Terminal Disclaimer is submitted herewith disclaiming the terminal part of any patent granted on the above-identified application, which would extend beyond the expiration date of the '467 patent.

Accordingly, Applicants respectfully request that this rejection be reconsidered and withdrawn.

II. Conclusion


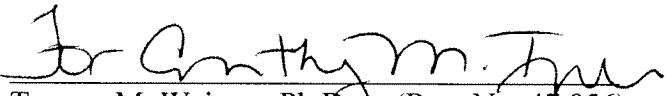
In view of the foregoing remarks, Applicants respectfully submit that this application is now in condition for immediate allowance. If the Examiner disagrees, it is requested that the Examiner call the undersigned at the number listed below to arrange a telephone interview to expedite prosecution of the application.

Applicants believe no fees are due in connection with this Amendment. However, if

there are any other fees due, please charge them to Deposit Account 50-3013. Also, please charge any fees underpaid or credit any fees overpaid to the same Deposit Account.

Respectfully submitted,

Date: 09/22/08



Tamera M. Weiss, Ph.D. (Reg. No. 47,856)

For: Anthony M. Insogna (Reg. No. 35,203)
JONES DAY
222 East 41st Street
New York, NY 10017-6702
(858) 314-1200